

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**4:19CV3005**

**ORDER**

On December 27, 2021, Petitioner Justin Gardner filed a Notice of Appeal (filing 27) which was docketed with the Clerk of the Eighth Circuit Court of Appeals on January 7, 2022 (filing 31). The Eighth Circuit entered an order directing Petitioner to either pay the \$505 appellate filing and docketing fee or file a motion for leave to proceed in forma pauperis in that court by February 4, 2022. (Filing 32.) On January 21, 2022, Petitioner filed in this court a “Supplemental Notice of Appeal” (filing 34), which purports to supplement his Notice of Appeal (filing 27) to include the court’s January 6, 2022 order (filing 29) as part of his pending appeal, and a Motion for Leave to Proceed on Appeal in Forma Pauperis (filing 33). Upon consideration,

IT IS ORDERED that:

1. To the extent Petitioner seeks this court’s permission to proceed in forma pauperis on appeal, his motion (filing 33) is denied for the reasons given in the court’s January 6, 2022 Memorandum and Order.

2. The Clerk of the Court is directed to transmit Petitioner’s Supplemental Notice of Appeal (filing 34) and Motion for Leave to Proceed on Appeal in Forma Pauperis (filing 33) to the Eighth Circuit Court of Appeals as a supplement to his Notice of Appeal (filing 27).

Dated this 26th day of January, 2022.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf  
Senior United States District Judge